

I would like to yield again to my colleague from Wisconsin. We have been joined by another distinguished colleague, Mr. PERLMUTTER, from Colorado. I would like you all to engage in a colloquy about the issue of politics and just who might be playing politics with a very important matter of national security.

Mr. KAGEN. Well, I thank you for yielding.

There were two very valuable lessons that I learned during my campaign and election to Congress. The first lesson was that people will believe a lie if it's represented to them with great skill on television repeatedly. People will believe something that just simply isn't true.

Here, the kind way of putting it is misrepresentation of reality. I am continuously amazed at how people are misrepresenting reality. We have never gone dark in our intelligence community. We have continued to survey those who seek to attack us and do us harm. We must stand strong behind our Constitution, and most especially our fourth amendment rights, which reads, "The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation and particularly describing the place to be searched and the persons and things to be seized."

Now if someone in the United States is seeking immunity, I ask my colleague, Mr. PERLMUTTER, what could be the reasons for seeking amnesty or immunity?

Mr. PERLMUTTER. The reason you seek amnesty or immunity or some sort of protection from being sued or charged is that there may have been wrongdoing. There may have been some violation of a law or potentially a constitutional provision like the fourth amendment, which you just read.

I think really the issue here, and you may all have been over this a dozen times, but it bears repeating, that there is a provision in our wiretapping law, and everybody calls it FISA. This is about wiretapping. This is about eavesdropping. There are times when you need to wiretap. There are times when you need to eavesdrop if somebody you have probable cause or you have general belief that somebody is going to do you harm. It could be a criminal enterprise or it could be a foreigner who wants to attack the United States. There was a glitch in our law which needed to be fixed. There was a technical glitch which said if there was a wiretap on U.S. soil, then you had to get a warrant.

Now the way that telecommunication works these days is somebody could be calling from Pakistan to Germany, two people, foreigners who aren't entitled to the protection of the fourth amendment, but that telecommunication, that phone call is routed through the United States. We

changed the law, we, the Congress, to take care of a technical telecommunication glitch and said in that instance that you don't have to get a warrant. So if it's between a foreign individual and another foreign individual, there's no need for a warrant on foreign property.

Now we fixed this. But the President asked for more. He wants to get rid of the courts who are there to protect us as citizens, as Americans, and the Constitution of the United States. He says, I don't want those courts. I don't think they need to be present. Well, we needed them when Richard Nixon was President. We needed to make sure that before the government, before the White House, before anybody looks in on my house or your house, or any American's house, there has to be a reason. And the courts were that stop. That was that objective branch. So yes, we are going to keep the courts involved.

Secondly, the President or the White House or somebody had asked the phone companies to do these taps. Well, the phone companies knew how to do taps. They got a warrant. The law said, You get a warrant, you're protected, Mr. Phone Company, or Mrs. Phone Company. You can wiretap somebody's phone call. Well, it appears that in this instance they didn't get warrants. They circumvented the courts.

Now we don't know that for sure. We haven't been given all the information that we in the Congress or the people of America deserve. Now the phone companies are asking for amnesty. They are saying, look, if we didn't follow the law, we are sorry. Just forgive us. We know at least one phone company that said, Wait a second, this doesn't make sense. You're not giving us the warrants that the law requires. We are not going to do it. That, I am glad to say, is my local phone company, Qwest.

So it isn't like everybody did this. At least one phone company said we want to follow the law. So, you know, this is about amnesty for other phone companies and this is about avoiding the courts. That is what this administration wants and, quite frankly, I am not going to shirk my responsibility to the Constitution and to the people of this country by caving in to those particular requests.

Mr. KAGEN. Before I yield to my colleague from Iowa (Mr. BRALEY), I have got a question. Millions of people are thinking to themselves right now, and have been, gee, I haven't done anything wrong. What have I got to be worried about?

What have they got to be worried about?

Mr. PERLMUTTER. We each in this country, one of the very first principles that we have and one of the very first values that we hold dearly is our privacy. Now it may not be that I don't have anything to hide, but I might not want the world to know that my

daughter has epilepsy, which she does. Somebody else might not want to have somebody know that their child is failing in school, or that they are having marital problems. Who knows what it is?

We in this country enjoy our privacy. It's something that is protected by the Constitution. And it may be that we haven't committed a crime, that what we have done isn't something that is going to be brought before a court, but it's something that is personal to us.

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We in this country enjoy that right. We enjoy that freedom not to have the government snoop into our lives unless there is really a reason. And that is why the courts are present.

I turn to my friends from Kentucky and Iowa.

Mr. YARMUTH. I am going to yield to the gentleman from Iowa in just a second, but I want to ask one question about that, and it is a rhetorical question.

But can you imagine, I want every American to imagine how their lives would change and how their conversations would change if they thought that every phone call they made was being monitored? Just imagine the chilling effect that that would have on every word you say, on your very thought process. You have to be able to put yourself in that situation to understand what is at stake when we talk about this issue. This is not just about nasty people trying to do people wrong. This is about every American having their very being altered by the threat that they are being listened to.

Now I will yield to the gentleman from Iowa, Mr. BRALEY.

Mr. BRALEY of Iowa. I would like to thank my friend. I would also like to thank my friend from New Hampshire, who mentioned earlier the great American patriot and trial lawyer, John Adams, my ancestor.

One of the real thrills of serving in this body is the ability to experience special events. We got that opportunity here tonight when out in Statuary Hall there was a reception and later a special viewing of an incredible new series on HBO dedicated to examining the life of John Adams and the enormous impact he had on this country.

I think it is very significant to take a moment and realize that 238 years ago today the Boston Massacre occurred, one of the pivotal events in our country's founding, and John Adams, a noted trial lawyer of his day, was given the dubious distinction of defending the British soldiers who made the first attack on those patriots, those brave patriots like Crispus Attucks. Like many trial lawyers, he was faced with the responsibility of doing his duty to perform an unpleasant task, and he did it because he knew that it was an important part of maintaining a system of laws, not of men.

I also think it is important to note that of those people like John Adams